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86-00141



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FEB 4 1986

Hon. Don Siegelman
Secretary of State
The Capitol
Montgomery, Alabama 36130

Boards of Registrars - Probate
Judges - Poll Lists - Political
Parties - Costs and Fees

Discussion of Act No. 85-929
relating to what voter
registration information is to
be provided to political
parties and what is the
"actual cost" of providing the
same.

Dear Mr. Siegelman:

Our office received an opinion request from you
concerning the following matter:

Act 85-929, passed during the 1985
Regular Session of the Alabama Legislature
states that, "Provided, however, that
political parties as defined in §
17-16-2, Code of Alabama, 1975, shall be
authorized to obtain all voter
registration information in the
possession of the boards of registrars or
probate judges concerning registered
voters in their jurisdictions." The
question which has arisen is what
information is to be provided to
political parties. The confusion occurs

due to a conflicting statement in the law which says that, "The applications of persons applying for registration shall not become public records as public records are defined under the laws of the state of Alabama, nor shall the board or its deputies disclose the information contained in such applications and written answers except with written consent of the person who filed the answer or pursuant to the order of a court of competent jurisdiction in a proper proceeding."

The act further states that "The boards of registrars or probate judges may collect the actual cost, if any, of providing said information." What is the "actual cost" of providing same?

Our office has previously stated that the only information pertaining to registered voters which may be made available to the public is the names and precincts of the voters. See, opinion to Honorable Don Siegelman, Secretary of State, under date May 8, 1980, and opinion to Honorable Bobby Day, Judge of Probate, Morgan County, under date June 12, 1980. It is apparent, however, that the legislative intent in enacting Act No. 85-929 was to exempt "political parties" from the above-mentioned proviso.

In answer to your first question the legislature specifically provided that: "political parties . . . shall be authorized to obtain all voter registration information in the possession of the boards of registrars or probate judges" This seems clear enough. The problem, however, arises when we try to give a blanket answer to your inquiry. The Attorney General is aware of the fact that the voter registration information collected by the various 67 counties is not uniform. Furthermore, the Attorney General is aware of the fact that some counties have computers and some counties do not. (The counties which have computers do not have uniform programs.) The Attorney General would like to give a specific, blanket answer, however, there appears to be a problem of accessibility and feasibility which can only be determined in a county-by-county manner.

Hon. Don Siegleman
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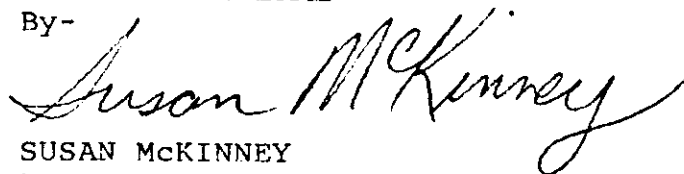
In answer to your second question, the "actual cost" is the cost incurred in providing said information to the political parties. (i.e., computer time; personnel time; cost of materials; etc....)

I do hope I have answered your inquiry. If, however, I may be of further assistance, please do not hesitate to contact me.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By-

A handwritten signature in cursive script, reading "Susan McKinney". The signature is written in dark ink and is positioned above the typed name and title.

SUSAN McKINNEY
ASSISTANT ATTORNEY GENERAL

CAG:SMcK:fm